1950 File No. O. Influx from Pak./50

Legal Department

A. Branch

Subject:- Ojhmans under the Influx from Pakistan (Control) Ordinance 1948

P.S. ©

O Influx from Pak/50

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C O N T E N T S.

Legal Department File No. O. Influx from Pak./50.

S.No.	R.I. / O.No.	Subject	Pages.
	O. Influx from Pakistan 1950.	Opinions under the Influx from Pakistan (Control) Ordinance 1948.	
1.	~~195-Genl.~~ 20/3/1950.	No person ordinarily resident in the Province of East Bengal and entering India from any place in such Province shall ordinarily be required to be in possession of a permit,	1 - 3.
2.	~~15366~~ 3/11/1950.	Sec. 7 - Deportation of Kurban Hussain an Indian national .... It would not be feasible for Govt. to issue deportation order against him under -	5.
3.	15986	Expulsion of Abdul - Majid Haji Mohamed who has declared himself a Pakistani National -	7.

5-Cs.

M.V.V./8.6

6/11/6

ARC 11/6

Office of the R.L.A.

I find that the evidence we had on our file at page 23 was not also placed before the Magistrate. I do not think that we had led evidence to prove that the accused was ordinarily resident in Western Pakistan. No useful purpose will be served by filing an appeal.

Incidentally, this case and the case of Sir Currimbhoy Ibrahim proves that they need careful handling especially in leadind evidence. The Chief Police Prosecutor should be asked to look into these matters, and to consult the Rehabilitation Depatment for meterial on their record. To ensure that the bona fide residence of Eastern Pakistan alone should have the benefit of entry into India without a permit it appears necessary to tighten the control by amending rule 31. This was discussed with Joint Secretary, Rehabilitation Department.

A draft of new rule 31 which should take the place of the existing rule is appended for consideration

Sd/- P. M. Lad,
20/3.

Remembrancer of Legal Affairs.

U.R. to P.O. No.195-Confl., dated the 20th March 1950.

4-Cs.

M.V.V.
8/6.

31. Notwithstanding any thing to the contrary~~xxxxx~~ in these Rules, no person ordinarily resident in the Province of East Bengal and entering Indian from any place in such Province shall ordinarily be required to be in possession of a permit.

4-Cs.

M.V.V.
8/6.

Office of the R.L.A.

Depertation of Kurbanhussain

Influx from Pakistan (Control) Act,1949. Section 7.

Section 7 of the Influx from Pakistan (Control Act, 1949, provides that without prejudice to the provisions contained in section 5, the Union Government may by general or special order direct the removal from India of any person who has committed or against whom a reasonable suspicion exists that he has committedxx an offence under this Act. and thereupon any officer of Government shall have all reasonable powers necessary to enforece such direction. The Sessions Judge, Breach in Criminal Appeal No.1 of 1950 has acquitted Kurbanhusain of the offence under section 3(a) of the Influx from Pakistan (Control) Act, 1949 punishable under section 5(1) of the Act. Consequently he cannot be said to have committed an offence under this Act; nor can there be said to be any reasonable suspicion about the commission of such an offence against him. Moreover Kurbanhussain, as stated by the Joint Secretary, Rehabilitation Department, is an Indian National, It would not therefore be feasible for the Government to issue deportation order against him under section 7 of the Act.

Sd/- P.M.Lad,
2/11.

Remembrancer of Legal Affairs.

U.R. to Passport Officer No.15366, dated the 3rd. November 1950.

4-Cs.

M.V.V.

8/6.

Office of the R. L. A.

Influx from Pakistan (Control) Act,1949.

Abdul Majid Haji Mohamed claims that he has not declared himself a Pakistani national. If we seek to expel him, he will in all probability approach the High Court for a writ on the ground that he is a citizen of India. We must have, therefore, material to show that he cannot claim to be a citizen of India. That material may be collected and forwarded to the R.L.A.for scrutiny. At the same time, he should be given an opportunity of explaining his declaration of Pakistani nationality in his application for a permit to the High Commissioner for India in Pakistan; so that he could not make any grievance on that score in case the matter comes before the High Court.

Sd/- P.N.LAD,
14.11.50

Remembrancer of Legal Affairs.

U.R. to P. & S. Deptt. No.15986,dated the 15th. November 1950.

4-Cs.
M.V.V.
8/6.